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PATENT
Customer No. 22,852
Attorney Docket No. 05725.1297

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Frédéric LEGRAND et al.)	Group Art Unit: 1751
)	
Application No.: 10/758,265)	Examiner: Eisa B. Elhilo
)	
Filed: January 16, 2004)	Confirmation No.: 5707
)	
For: READY-TO-USE BLEACHING)	
COMPOSITIONS, PREPARATION)	
PROCESS AND BLEACHING)	
PROCESS)	

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Form SB-08. To the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents excluding the cited U.S. Patents and Published Applications are attached. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached SB-08 form.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **JP A 1-106813** - This document is believed to be related to U.S. Patent No. 4,927,627, cited on the attached form PTO/SB/08 and an abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
2. **JP A 9-157142** - This document is believed to be related to U.S. Patent No. 5,888,484, cited on the attached form PTO/SB/08 and an abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
3. **JP A 9 20615** - This document is believed to be related to EP 0750899, submitted herewith.
4. **JP A 11-12140** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
5. **JP A 2000-309518** - This document is believed to be related to U.S. Patent No. 6,379,401, cited on the attached form PTO/SB/08.
6. **Notice of Rejection** dated May 24, 2005, Japanese Patent Application No. 2004-009901, and an English language translation.
7. **FR 2 633 940** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
8. **FR 2 270 846** - An abstract of the disclosure of this document can be found in

the English language Derwent Abstract submitted herewith.

9. **FR 2 383 660** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

10. **FR 2 470 596** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

11. **FR 2 788 976** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

12. **FR 2 162 025** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

13. **FR 2 280 361** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

14. **FR 2 252 840** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

15. **FR 2 368 508** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

16. **FR 2 080 759** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

17. **FR 2 190 406** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

18. **FR 2 320 330** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

19. **FR 2 316 271** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

20. **FR 2 336 434** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

21. **FR 2 413 907** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

22. **FR 2 818 543** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

23. **FR 1 583 363** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

24. **FR 2 788 974** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

25. **DE 197 23 538** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

26. **FR 2 598 611** - This document is believed to be related to U.S. Patent No. 4,839,166, cited on the attached form PTO/SB/08 and an abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

27. **FR 2 519 863** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

28. **FR 1 492 597** - This document is believed to be related to U.S. Patent No.

3,472,840, cited on the attached form PTO/SB/08.

29. **FR 1 400 366** - This document is believed to be related to GB 1 021 400, cited on the attached form PTO/SB/08.


This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 
Mark D. Sweet
Reg. No. 41,469

Date: September 9, 2005

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Derwent WPI

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012051558

WPI Acc No: 1998-468469/199841

XRAM Acc No: C98-142066

Storage stable hair bleaching paste giving required viscosity when mixed with hydrogen peroxide solution or emulsion - comprises inorganic per-salt, alkaline salt, polyacrylic acid polymer and natural polymer based thickener, oil, and two fatty acid ester compounds

Patent Assignee: WELLA AG (WELA)

Inventor: BALZER W R; LENZ U; SCHMITT M

Number of Countries: 026 Number of Patents: 005

Basic Patent:

Patent No	Kind	Date	Applicat No	Kind	Date	Week
DE 19723538	C1	19980917	DE 1023538	A	19970605	199841 B

Priority Applications (No Type Date): DE 1023538 A 19970605; DE 97U2024183 U 19970605

Designated States (Regional): AL; AT; BE; CH; DE; DK; ES; FI; FR; GB; GR; IE; IT; LI; LT; LU; LV; MC; MK; NL; PT; RO; SE; SI

Abstract (Basic): DE 19723538 C

Storage stable paste for bleaching or bleaching hair, is mixed to a creamy suspension with 6-12% aqueous hydrogen peroxide (H₂O₂) solution or emulsion immediately before use. The suspension contains a mixture: of (a) 30-65 wt.% inorganic per-salt(s); (b) 15-45 wt.% alkaline salt(s); (c) 0.5-20 wt.% thickener combination of an acrylic acid polymer and polymer(s) of the cellulose, alginate and/or polysaccharide group; (d) mineral oil(s); (e) liquid, long chain hydrophobic fatty acid ester(s); (f) waxy, long chain hydrophobic fatty acid ester(s) and/or synthetic bees wax substitute; and (g) optionally ancillaries. The total amount of components (d), (e) and (f) is 20-35 wt.%.

USE - Used to dye hair.

ADVANTAGE - The paste can be mixed with H₂O₂ solution or emulsion simply by shaking or stirring, is completely free from dust, is very effective and has good storage stability. The components do not un-mix, produce a thick enough solution and not much ammonia is lost during production.

Dwg.0/0

IDS Form PTO/SB/08: Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Application Number	10/758,265
				Filing Date	January 16, 2004
				First Named Inventor	Frederic LEGRAND et al.
				Art Unit	1751
				Examiner Name	Eisa B. Elhilo
Sheet	2	of	4	Attorney Docket Number	05725.1297

Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
		US-3,472,840	10-14-1969	Stone et al.	
		US-6,379,401	04-30-2002	Legrand et al.	
		US-2004/0074015	04-22-2004	Kravtchenko et al.	

Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		DE 197 23 538	09-17-1998	Wella AG		Abstract
		EP 0 216 479	04-01-1987	Allied Colloids Limited		
		EP 0 337 354	10-18-1989	Kao Corporation		
		EP 0 122 324	10-24-1984	Miranol Chemical Co., Inc.		
		EP 0 750 899	01-02-1997	Shiseido Company Ltd.		
		FR 2 633 940	01-12-1990	Sanofi		Abstract
		FR 2 270 846	12-12-1975	L'Oreal		Abstract
		FR 2 383 660	10-13-1978	L'Oreal		Abstract
		FR 2 598 611	11-20-1987	L'Oreal		Abstract
		FR 2 470 596	06-12-1981	L'Oreal		Abstract
		FR 2 519 863	07-22-1983	L'Oreal		Abstract
		FR 2 788 974	08-04-2000	L'Oreal		Abstract
		FR 2 788 976	08-04-2000	L'Oreal		Abstract
		FR 1 492 597	08-18-1967	Union Carbide Corporation		
		FR 2 162 025	07-13-1993	L'Oreal		Abstract
		FR 2 280 361	02-27-1976	L'Oreal		Abstract
		FR 2 252 840	06-27-1975	L'Oreal		Abstract
		FR 2 368 508	05-19-1978	L'Oreal		Abstract
		FR 2 080 759	11-19-1971	The Gillette Company		Abstract
		FR 2 190 406	02-01-1974	The Gillette Company		Abstract
		FR 2 320 330	03-04-1977	Calgon Corporation		Abstract
		FR 2 316 271	01-28-1977	L'Oreal		Abstract
		FR 2 336 434	07-22-1977	Ciba-Geigy AG		Abstract
		FR 2 413 907	08-03-1979	L'Oreal		Abstract
		FR 1 400 366	05-28-1965	L'Oreal		
		GB 1 021 400	03-02-1966	L'Oreal		
		FR 2 818 543	06-28-2002	L'Oreal		Abstract

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			<i>First Named Inventor</i>	Frederic LEGRAND et al.	
			<i>Art Unit</i>	1751	
			<i>Examiner Name</i>	Eisa B. Elhilo	
Sheet	3	of	4	<i>Attorney Docket Number</i>	05725.1297

Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

FOREIGN PATENT DOCUMENTS					
	✓	FR 1 583 363	10-24-1969	Sandoz S.A.	Abstract
	✓	JP A 1-106813	04-24-1989	Henkel KGAA	Abstract
	✓	JP A 9-157142	06-17-1999	WELLA AG	Abstract
	✓	JP A 9-20615	01-21-1997	Shiseido Ltd.	
	✓	JP A 11-012140	01-19-1999	WELLA AG	Abstract
	✓	JP A 2000-309518	11-07-2000	L'Oreal SA	
	✓	WO 02/51369	07-04-2002	L'Oreal SA	
	✓	WO 00/31154	06-02-2000	Schlumberger Canada Ltd.	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
		English language Derwent Abstract of DE 197 23 538	
		English language Derwent Abstract of FR 2 633 940	
		English language Derwent Abstract of FR 2 270 846	
		English language Derwent Abstract of FR 2 383 660	
		English language Derwent Abstract of FR 2 598 611	
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		English language Derwent Abstract of FR 2 413 907	
		English language Derwent Abstract of FR 2 818 543	
		English language Derwent Abstract of FR 1 583 363	
		English language Derwent Abstract of JP 1-106813	

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

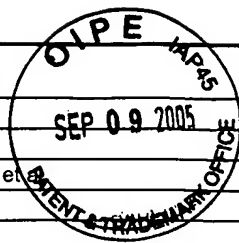
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of

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Complete if Known

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Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-3,915,921	10-28-1975	Schlatzer, Jr.	
		US-4,509,949	04-09-1985	Huang et al.	
		US-4,540,510	09-10-1985	Karl	
		US-4,131,576	12-26-1978	Iovine et al.	
		US-3,589,578	06-29-1971	Kamphausen	
		US-4,031,307	06-21-1977	DeMartino et al.	
		US-3,227,615	01-04-1966	Korden	
		US-4,927,627	05-22-1990	Schrader et al.	
		US-2,961,347	11-22-1960	Floyd	
		US-2,273,780	02-17-1942	H. Dittmar	
		US-2,375,853	05-15-1945	Kirby et al.	
		US-2,388,614	11-06-1945	Kirby et al.	
		US-2,454,547	11-23-1948	Bock et al.	
		US-3,206,462	09-14-1965	McCarty	
		US-2,261,002	10-28-1941	Ritter	
		US-2,271,378	01-27-1942	Searle	
		US-3,874,870	04-01-1975	Green et al.	
		US-4,001,432	01-04-1977	Green et al.	
		US-3,929,990	12-30-1975	Green et al.	
		US-3,966,904	06-29-1976	Green et al.	
		US-4,005,193	01-25-1977	Green et al.	
		US-4,025,617	05-24-1977	Green et al.	
		US-4,025,627	05-24-1977	Green et al.	
		US-4,025,653	05-24-1977	Green et al.	
		US-4,026,945	05-31-1977	Green et al.	
		US-4,027,020	05-31-1977	Green et al.	
		US-4,157,388	06-05-1979	Christiansen	
		US-4,702,906	10-27-1987	Jacquet et al.	
		US-4,719,282	01-12-1988	Nadolsky et al.	
		US-4,839,166	06-13-1989	Grollier, et. al.	
		US-3,836,537	09-17-1974	Boerwindle et al.	
		US-5,089,578	02-18-1992	Valint et al.	
		US-5,888,484	03-30-1999	Schmitt et al.	

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NON PATENT LITERATURE DOCUMENTS			
		English language Derwent Abstract of JP A 9-157142	
		English language Derwent Abstract of JP A 11-12140	
	/	Notice of Rejection dated May 24, 2005, Japanese Patent Application No. 2004-009901	
	o	Y. Morishima, "Self-Assembling Amphiphilic Polyelectrolytes And Their Nanostructures", Dept. of Macromolecular Science, Graduate School of Science, Osaka University, Toyonaka, Osaka, Chinese Journal of Polymer Science, Vol. 18, No. 40, 2000, pp. 323-336.	
	/	T. Noda et al., "Micelle Formation of Random Copolymers of Sodium 2-(Acrylamido)-2-methylpropanesulfonate and a Nonionic Surfactant Macromonomer in Water as Studied by Fluorescence and Dynamic Light Scattering", Dept. of Macromolecular Science, Graduate School of Science, Osaka University, Toyonaka, Osaka, Macromolecules 2000, 33, pp. 3694-3704	
	/	T. Noda et al., "Solution Properties of Micelle Networks Formed by Nonionic Surfactant Moieties Covalently Bound to a Polyelectrolyte: Salt Effects on Rheological Behavior", Dept. of Macromolecular Science, Graduate School of Science, Osaka University, Toyonaka, Osaka, Langmuir, 2000, 16, pp. 5324-5332	
	/	T. Noda et al., "Stimuli-Responsive Amphiphilic Copolymers of Sodium 2-(Acrylamido)-2-Methylpropanesulfonate and Associative Macromonomers", Dept. of Macromolecular Science, Graduate School of Science, Osaka University, Toyonaka, Osaka, pp. 220-221	
	/	G. Fonnum et al., "Associative Thickeners. Part I: Synthesis, Rheology and Aggregation Behavior", Colloid & Polymer Science, April 1993, pp. 380-389, Vol. 271, No. 4,	
	/	A. Kobayashi et al., "Solubilization Properties of N-substituted Amphiphilic Acrylamide Copolymers", Journal of Applied Polymer Science, vol. 73, no. 12, September 19, 1999, pp. 2447-2453	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional).

² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.

⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**